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October 22, 2018

VIA ECF Filing

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: Huang v. WCJ Seafood Restaurant, et al.
Case No.: 1:14-cv-00653(VEC)**

Dear Judge Caproni:

This Firm formerly represented Plaintiff Wen Bin Huang (“Huang” or the “Plaintiff”) in the above captioned action. This letter is a response to the conference held on or about June 22, 2018 and the Court Order dated June 25, 2018 (the “First Court Order”) [ECF Doc. No. 237], the Court Order dated September 7, 2018 [ECF Doc. 251], and the Court Order dated September 12, 2018 (the “Second Court Order”) [ECD Doc. No. 253]. In this ancillary action, Plaintiff requested a hearing to determine whether this Firm must disgorge any portion of the attorney fees Plaintiff paid this Firm pursuant to retainer. In accordance to the First Court Order, Wong, Wong was granted permission to serve discovery on Plaintiff. Such discovery is still outstanding, and pursuant to the Second Court Order, Wong, Wong requests that the evidentiary hearing be cancelled, or in the alternative, a telephone conference to resolve this issue.

Pursuant to the First Court Order, this Firm served discovery demands on Plaintiff’s counsel on or about July 25, 2018. Accordingly, discovery was to be finished by August 17, 2018, but Plaintiff did not respond. On August 31, 2018, this Firm served a follow up letter by Priority Mail and E-mail on Plaintiff’s counsel demanding a response to the discovery and providing the Plaintiff with an additional week to respond. That time has come and gone without a response, or even a reasonable explanation for the delay. On September 7, 2018, this Court adjourned the evidentiary hearing to November 19, 2018.

I filed a letter on September 7, 2018, detailing the outstanding discovery issue, and requesting the Court to compel the Plaintiff. In response, the Court issued the Second Court Order, which held,

inter alia, that “Plaintiff must immediately contact Wong Wong and attempt in good faith to resolve this dispute...Plaintiff is reminded that if she wishes to pursue her claim against Wong Wong, she must comply with this Court’s discovery orders”. Under any definition of “immediately”, the Plaintiff has not complied, as it is now more than six weeks later, and Wong Wong does not have any responses to its demands. The only communication with Plaintiff’s counsel was a September 17 email, wherein Plaintiff’s counsel unilaterally represented that “[t]here is no urgency in light of the adjournment” and an October 3rd email, wherein, Plaintiff feigned that she did not have to produce any documents due to Wong Wong being her former attorneys but promised a formal response “as soon as possible”.

Accordingly, this Firm requests this Court cancel the evidentiary hearing. If the Plaintiff will not respond to demands that were served almost three months ago, she should be precluded from conducting this ancillary action. In the alternative, Wong Wong requests a telephone conference to resolve this issue pursuant to the Second Court Order.

It would be unreasonable and unjust for this Firm to defend itself at the hearing without complete responses to its demands and ample time to review same. It is now less than one month from the scheduled hearing date.

Thank you for your time and attention. Please do not hesitate to contact the undersigned if you have any questions.

Respectfully submitted,
Wong, Wong & Associates, P.C.
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